

**FILED**  
 United States District Court  
 Albuquerque, New Mexico  
 Mitchell R. Elfers  
 Clerk of Court

# UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America  
 v.  
 VINCENT JEROME MARTINEZ  
 YEAR OF BIRTH 2005

Case No. **24mj820**

\_\_\_\_\_  
 Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 14, 2023 in the county of Bernalillo in the  
 \_\_\_\_\_ District of New Mexico, the defendant(s) violated:

*Code Section**Offense Description*

Title 18 U.S.C. 1153  
 Title 18 U.S.C. 113(a)(3)

Major Crimes Act  
 Assault with a Dangerous Weapon

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

  
 Complainant's signature  
 Kathleen B. Lucero, Criminal Investigator  
 Printed name and title

Telephonically sworn and electronically signed.

Date: June 6, 2024

  
 Judge's signature  
 Karen B. Molzen, U.S. Magistrate Judge  
 Printed name and title

City and state: Albuquerque, New Mexico

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE ARREST OF:  
VINCENT JEROME MARTINEZ, YOB  
2005

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Kathleen Lucero, a Task Force Officer with the Bureau of Indian affairs (“BIA”) being duly sworn, hereby depose and state as follows:

**INTRODUCTION AND BACKGROUND OF THE AFFIANT**

1. I make this affidavit in support of the arrest of Vincent Jerome Martinez, an enrolled member of the Pueblo of Isleta (year of birth 2005) (hereafter “Martinez”), for a violation of: 18 U.S.C. §§ 1153 and 113(a)(3), Assault with a Dangerous Weapon.

2. I am a Criminal Investigator (CI) for the Pueblo of Isleta Police Department, I have served in the capacity of a Police Officer and a Criminal Investigator with the Isleta Police Department of Law Enforcement for seventeen (17) years. Currently I am a full time salaried Criminal Investigator of the Isleta Police Department and have been so employed from August 2015 to present. My primary duties as a Detective with the Pueblo of Isleta include investigating crimes occurring in Indian Country and within the Pueblo of Isleta Reservation specifically. I have gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, state, tribal, and federal law enforcement. Moreover, I am a Federal Officer by virtue of my Bureau of Indian Affairs Special Law Enforcement Commission (issued 10/05/2021). Under this Commission, I possess

federal authority to execute criminal complaints and search warrants issued under the authority of the United States.

3. The statements contained in this affidavit are based upon my investigation, training and experience, as well as information provided by other law enforcement officers or from other reliable sources. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause to support a criminal complaint against Martinez, for a violation of 18 U.S.C. §§ 1153 and 113(a)(3).

**FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE**

4. On Thursday, December 14, 2023, at approximately 1644 hours, Isleta Officers were dispatched to area of New Mexico State Road 314 and Tribal Road 70 within the jurisdictional boundaries of the Pueblo of Isleta, in the State and District of New Mexico in reference to shots fired.

5. Officers observed a male individual dressed in black clothing running southbound on Tribal Road 70.

6. Officers observed the male run behind a metal shed located within the property of #4 Tribal Road 70, Isleta Pueblo, residence of Leona Lente (“Lente”), MARTINEZ’S grandmother. The male individual was later identified as MARTINEZ.

7. Officers yelled verbal commands for MARTINEZ to come out with his hands in the air, but MARTINEZ refused.

8. MARTINEZ stayed behind the metal shed and was instructed to lay on the ground. MARTINEZ was placed into handcuffs and arrested.

9. A search incident to arrest revealed three red 12-gauge shotgun rounds/ammunition, which were located in MARTINEZ'S left front pocket.

10. Officers searched around the east portion of the metal shed where MARTINEZ was apprehended and located a brown handle modified shotgun, which was concealed under a railroad tie.

11. The shotgun's serial number was partially obliterated.

12. Officers located one spent 12-gauge shotgun shell inside the ejection port and one live 12-gauge shotgun shell inside the chamber.

13. An additional spent red shotgun casing was found buried in the dirt near Lente's residence.

14. In total, six shotgun shells were recovered at the scene, two of which were spent.

15. During an interview with the victim, Anthony Jojola ("Jojola"), Jojola stated that he drove to Lente's residence to provide Lente and her grandchildren a ride to the grocery store.

16. Jojola was in his vehicle waiting when he heard yelling from inside Lente's residence.

17. Shortly thereafter, MARTINEZ exited the residence and began yelling at Jojola.

18. Jojola stated that MARTINEZ pointed a "sawed off shotgun" at him and while pointing the shotgun Jojola, MARTINEZ stated, "I'm going to kill you!"

19. Jojola stated that MARTINEZ then raised the shotgun into the air and fired one round.

20. After MARTINEZ fired the shotgun in the air, Jojola drove away, and heard another shot as he drove away.



21. Jojola drove west on Tribal Road 70, turned his vehicle around, stopped, and yelled at MARTINEZ “what the fucks wrong with you?”

22. Jojola then saw MARTINEZ point the shotgun towards him and fire two more rounds towards Jojola.

23. Jojola drove east on Tribal Road 70, driving past MARTINEZ as MARTINEZ remained standing near the same tree. MARTINEZ raised the shotgun into the air again, firing several more rounds.

24. Jojola stated MARTINEZ shot at him a total of four times.

25. Affiant, met with MARTINEZ at the Isleta Police Department where MARTINEZ was advised of his Miranda Rights. MARTINEZ initially refused to speak with Affiant, but within a few seconds, MARTINEZ asked what his charges were.

26. After Affiant informed MARTINEZ what Tribal charges he was facing, MARTINEZ exclaimed “but you did not find me with a firearm.” Affiant tried to stop MARTINEZ from speaking by reminding him of his rights. However, MARTINEZ again exclaimed “but you didn’t find me with no deadly weapon.” Affiant asked MARTINEZ if he was waiving his rights and willing to speak, MARTINEZ responded, “yeah, yeah, yeah.” Affiant confirmed once more whether MARTINEZ was waiving his rights and MARTINEZ stated, “yes.”

27. Before beginning questioning, Affiant reminded MARTINEZ that he could stop answering questions at any time, to which MARTINEZ responded, “okay.”

28. MARTINEZ’s interview revealed MARTINEZ exited his grandmother Leona’s house with the shotgun inside his right pant leg.

29. MARTINEZ stated that he told Anthony to get out of his yard because he did not want Anthony there.

30. MARTINEZ admitted to firing two rounds in the air with the shotgun, but denied firing at Jojola.


31. MARTINEZ is an enrolled member of the Pueblo of Isleta, and is therefore an Indian for purposes of federal law.

**CONCLUSION**

32. Based on the information set forth in this affidavit, I believe there is probable cause to charge MARTINEZ with a violation of 18 U.S.C. §§ 1153 and 113(a)(3) Assault with a Dangerous Weapon; on or about December 14, 2023, in the District of New Mexico.

33. This affidavit has been reviewed by Assistant United States Attorney Jesse Pecoraro.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

  
Kathleen B. Lucero  
Task Force Officer  
Bureau of Indian Affairs  
Criminal Investigation  
Pueblo of Isleta  
Isleta, New Mexico

Subscribed electronically and sworn telephonically to me  
this 6th day of June, 2024:

  
\_\_\_\_\_  
THE HONORABLE KAREN B. MOLZEN  
UNITED STATES MAGISTRATE JUDGE